

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

LA Alliance for Human Rights, et al.,

Plaintiffs,

v.

Case No.

City of Los Angeles,

20-CV-02291-DOC-KES

Defendants.

HEARING

DATE: Friday, May 15, 2020

TIME: 10:12 a.m.

BEFORE: Honorable David O. Carter

LOCATION: Los Angeles Homeless Services Authority
811 Wilshire Blvd., 12th Floor
Los Angeles, CA 90017

REPORTED BY: Austin Che, Notary Public

JOB No.: 4115473

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A P P E A R A N C E S

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1 ALSO PRESENT:

2

3 Michele Martinez

4 Elizabeth Mitchell

5 Brandon Young

6 Scott Marcus

7 Andre Birotte Jr.

8 Shayla Myers

9 Brooke Weitzman

10 Christina Miller

11 Heidi Marston

12 Matt Umhofer

13 Carol Sobel

14 Ackley Padilla

15 Jenny Chavez

16 Elizabeth Chou (media)

17 Byron McLain

18 Lauren Black

19 Sarah Dusseault

20 Larae Cantley

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1 P R O C E E D I N G S

2 THE COURT: It's 10:00 and we're in
3 session. I'm going to turn this over to the presenters
4 or whoever would like to speak. Just be kind enough for
5 the Reporter just to identify who the speaker is.

6 (Microphone check)

7 MS. MARSTON: I'm Heidi Marston, Los
8 Angeles Public Services Authority. Thanks for joining
9 us here today. Based on our conversation on Wednesday,
10 we wanted to come back to give you an overview, first of
11 the, you know, the scope and the scale of what we see
12 and what we're estimating in terms of people who are
13 living under underpasses and in the vicinity for our
14 discussion on Wednesday.

15 Also wanted to talk today a little bit
16 about some of the lessons we've learned over time using
17 the strategy that we call a location-based approach and
18 some of the data that we have around that. And then all
19 of that being within the context of our COVID response
20 and our project and key efforts, which I know that
21 you're aware of.

22 And then lastly, giving a brief overview
23 of our racial equity part, and we have LaRae Cantley
24 here, who is our co-chair of our Lived Experience
25 Advisory Board here at LAHSA, so she'll speak to that

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1 briefly too if you're open to it. And we are going to
2 get printed copies of this so you can have a hard copy
3 as well.

4 So just to jump right into it, we did
5 some estimations in terms of the scope and the scale of
6 what we're seeing under bridges, underpasses/overpasses,
7 so these are very rough numbers and approximations. But
8 countywide, we're seeing about 6,000 to 7,000 people
9 dwelling in those areas based on the definitions we
10 talked about Wednesday. Specific to that, the county of
11 L.A., we estimate 2,000 to 3,000 people, the county
12 unincorporated in particular based on the ratios that we
13 know from our homeless count; that would mean there's
14 about 200 to 350.

15 THE COURT: Wait a minute. I'm going to
16 ask you to stop.

17 MS. MARSTON: Okay.

18 THE COURT: Okay, thank you. Heidi,
19 thank you.

20 MS. MARSTON: Okay. And, yeah, and we do
21 have hard copies, so you'll have this.

22 THE COURT: Nope, nope. I'm just going
23 to slow it down.

24 MS. MARSTON: Great. So I wanted to talk
25 a little bit about some lessons we've learned when we

1 deployed a location-based strategy like this in other
2 parts of Los Angeles. The prominent example we draw
3 from is called Encampment to Home. It's an effort that
4 took place over the course of about a year with an
5 encampment that was targeted. It was a very large
6 encampment, very highly dense. And the thought was,
7 what if we build permanent supportive housing near this
8 encampment. And then as that's being constructed and
9 operationalized, target the folks in the community
10 that's living in that encampment to go into permanent
11 housing so we can essentially relocate the entire
12 encampment.

13 What we saw is, of course, when we
14 provided those permanent housing options, most people
15 took those and were relocated into permanent housing,
16 but it created some additional unintended consequences.
17 First off, word spread really quickly among the unhoused
18 community that, you know, if you're in this area, you're
19 going to have some prioritization for a permanent
20 housing resource. So it ended up becoming a draw for
21 other people who want to come and be housed so that they
22 could then be prioritized for resources.

23 Additionally, after we were able to
24 clear that encampment and move those folks into housing,
25 we just had new people essentially move in behind them

1 and create the encampment at the level that it was at
2 prior to housing with new people.

3 THE COURT: All right, now just a minute.
4 Thank you.

5 MS. MARSTON: And then again, there was -
6 - naturally those folks were prioritized over others.
7 And so, folks who were potentially more vulnerable were
8 unable to be served because they weren't in that
9 location, so that was another consequence of that. But
10 all that to say the effort was successful in moving
11 people into permanent housing. It just didn't stick in
12 terms of clearing the encampment.

13 MR. BIROTTE: Is it your experience that
14 the reason why the encampment didn't clear, is that just
15 in, for lack of a better term, the nature of the
16 situation? If a place clears out, others are just going
17 to fill that void, generally speaking; and, if so, any
18 thoughts as to why?

19 MS. MARSTON: Yeah. So in particular,
20 there are certain locations that are more desirable
21 because of their privacy, because of how easy it is for
22 people to set up, so this was one of those locations.
23 Underpasses tend to be another location like that
24 because they provide shade, so in terms of desirability,
25 that's a draw. And I said, the prioritization piece was

1 very real too, that, hey, if you go here, you might get
2 a permanent housing resource.

3 THE COURT: Michele, could I talk to you?

4 MS. MARTINEZ: Excuse us.

5 MS. MARSTON: Yeah.

6 THE COURT: Where can we go to have our
7 private conversation? So, all right, back to you.

8 MS. MARSTON: Okay, thank you. So, of
9 course, like the Court, we're all very concerned about
10 deaths on the street in particular. The county, even
11 prior to COVID, really started looking at our
12 unsheltered population to see what are the leading cause
13 of death for folks who are experiencing unsheltered
14 homelessness. And their study found that overdose and
15 coronary artery disease were the primary drivers, so
16 really targeting that to make sure that we're doing
17 everything we can in those interventions to address that
18 so we don't lose more lives to those reasons.

19 But then, of course, we have COVID-19
20 that's come along and vulnerability and how we look at
21 vulnerability has shifted to be compliant with our CDC
22 guidance, meaning people who are over 65 and who have
23 underlying medical conditions really need to be targeted
24 for sectors so that they don't contract the virus. CDC
25 has also put out guidelines for unsheltered homelessness

1 as it relates to encampments. And those guidelines
2 state that if folks are not able to shelter in an
3 individual unit, rather than moving encampments or going
4 into a congregate setting, that encampments should be
5 left where they are during this crisis so we're
6 disrupting.

7 THE COURT: It's on Page 2 of their
8 guidelines.

9 MS. MARSTON: Yes.

10 THE COURT: Second paragraph and it says
11 12 to 12 feet.

12 MS. MARSTON: Yeah, yeah, the social
13 distancing is a huge part of that.

14 THE COURT: All right, I'm aware of this.

15 MS. MARSTON: And I know that you know
16 this, but I can't help but show a couple of pictures of
17 the Project Room Key and what's happened there. So in
18 just a mere seven weeks, we've gone from zero to 26
19 hotels that are in service and 2500 -- close to 2600
20 rooms online. And yesterday, we hit the 2000 mark and
21 we're now over 2000 folks sheltered.

22 THE COURT: All right, now just one
23 moment. Well, I was hoping to avoid this, and if you'll
24 notice, I left out of my order any discussion about
25 Operation Room Key because I wanted the county and the

1 city to have the most bargaining leverage in this period
2 of time, and I only addressed the recreational centers.
3 But this is changing the whole dynamic of the
4 discussion. So the obvious question is: how long are
5 these leases now, when are they going to run, what's the
6 time duration? And I hoped not to get there to give the
7 Mayor the latitude of sorting that out, but you're
8 putting me in a position now that's much different than
9 I expected to be in trying to cooperate with the Mayor
10 and the Council.

11 And so, be very careful because the
12 obvious questions now are: each motel lease, extended
13 funding, how long; are you putting these people back on
14 the street, what order? I'd hoped you didn't take me
15 down this path, but here we are.

16 MS. MARSTON: I know.

17 THE COURT: Okay, please continue.

18 MS. MARSTON: The last piece that we have
19 the overview on is the racial equity piece, which I know
20 that you're acutely aware of as well. Our last point in
21 time count showed that 33 percent of the population --

22 THE COURT: It was highest 42 percent are
23 black.

24 MS. MARSTON: Black African American,
25 yeah, over representation --

1 THE COURT: Exactly, as high as 42
2 percent. This is inaccurate. Maybe your stats, but
3 there's a lot of stats out there that says 42 percent.

4 MS. MARSTON: Yeah, there's a couple
5 studies and 42 is also out there.

6 THE COURT: Right.

7 MS. MARSTON: And based on that, LAHSA
8 has set goals to make sure that we're addressing those
9 disparities and we're bringing that equity lens, and
10 those are kind of the three goals that are outlined on
11 the slide there. So validating all individuals and
12 populations equally, recognizing and rectifying
13 historical injustice, and providing resources that are
14 according to need are three of the principles that we're
15 adhering to.

16 THE COURT: We'll be right back with you
17 on that. Can I have a discussion with you. Pardon our
18 discussion. I will turn that back over to you and try
19 to be courteous.

20 MS. MARSTON: So, Judge Carter, if you're
21 open to it, I'd like to have LaRae just say a few things
22 with her -- okay.

23 THE COURT: I'm not.

24 MS. MARSTON: Okay. I want this a more
25 public setting. The press has been excluded, and I

1 think that this is a presentation now that's taken on
2 public influence. We're now in recess. We'll
3 reassemble at the Ambassador Hotel, and if you could
4 call, give us a time at 12:00 noon. And if you'd like
5 to continue this presentation then with your staff
6 present, I would welcome that. I thought that this was
7 simply going to be what was available, numbers,
8 location, but we're getting into some very, very --

9 MS. MARTINEZ: Yes, Carol.

10 MS. SOBEL: Your Honor, I think it would
11 be -- for some of us at least, it is helpful to --

12 THE COURT: Good, then have that
13 presentation privately amongst all of you and make the
14 presentation to me later. I will be data driven, but
15 not in a private setting.

16 MS. MYERS: Your Honor, I understand from
17 at least the "L.A. Times", they are not here because of
18 a scheduling conflict, not because of the location.
19 They understood it was a public meeting and that it is
20 available to the public. So it had nothing to do with
21 the location is my understanding.

22 THE COURT: Am I hearing solutions? Or
23 I'm hearing impediments because, thus far, the only
24 thing that's driven solutions has been the COVID crisis.
25 And although the Mayor's been crying for a FEMA-like

1 response, which I think was very responsible, until
2 COVID crisis --

3 MS. MYERS: They can't hear you.

4 THE COURT: -- until the COVID crisis --
5 oh, they can hear me -- until the COVID crisis. If
6 you're claiming success, I'd like to hear that. And if
7 you're claiming that these are obstacles and this
8 presentation is designed to show me why we can't do
9 this, then this discussion is over, because this meeting
10 today was to give me statistics about where people were,
11 the number of people. That was the only reason we
12 assembled at the LAHSA offices is because you had
13 supposedly screens, et cetera.

14 I had hoped that you would have joined
15 hands by now and figured out how to do it, not why you
16 can't do it. I had hoped that you would have
17 suggestions with DHS teams, et cetera, over solutions,
18 and maybe I'm wrong.

19 So I'm going to take a recess and you're
20 going to have a private discussion. If you all agree
21 that we're going to continue, I'll be polite and
22 continue with this. But right now, I'm in recess. Call
23 me, I'll be out in the hallway.

24 COURT REPORTER: This marks the end of
25 Media #1. The time is 10:29 a.m. We are off the

1 record.

2 (Recess)

3 THE COURT: We're in session. We'll
4 recess in just a moment, but we're back in session.

5 I want to relay to you a concern
6 apparently on the advocate's part, and apparently
7 conveyed to the Court that your belief was that I was
8 demanding an immediate activity on your part. I was
9 specific on the record, and I'll show you the portion of
10 the transcript if you need, that the Court never
11 intended to endanger people during the COVID crisis or
12 move them overnight. Number two, it's ridiculous to
13 think that we could even get some of these housing
14 opportunities in place.

15 I'm hearing from the advocates that this
16 is strictly housing apparently in hotels, and I told you
17 at the last hearing everything's on the table from
18 parking lots like the VA to anything imaginable. And
19 so, apparently, you're not listening.

20 And I thought today -- and apparently the
21 Court is misguided, should always be the first to
22 apologize. I thought today was a recognition that
23 unless you could come up with a more humane way of doing
24 this with my eight bullet points, and resolve this
25 amongst yourselves in terms of timeframes, getting

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1 together cohesive teams of mental health workers, et
2 cetera. But you're still arguing with the Court about
3 location and that people already approached. And I'm
4 going to suggest to you they're both impossible, that
5 these are ridiculous arguments, and that both can be
6 accomplished.

7 So if you could work with me in terms of
8 a timeframe to set up a structure. If you can work with
9 the Court in terms of, like, sending mental health teams
10 out to talk to people on an overpass or underpass. If
11 you can give me a feasible timeline for your health
12 workers to be involved. If you could quit talking about
13 one solution, like just having to have motel rooms
14 immediately, which I would hope happens. But if not,
15 then parking lots are on the table, sanitation stations
16 in those parking lots are on the table, security in
17 those parking lots are on the table.

18 Because it's better than the homeless
19 person sleeping under an underpass right now when the
20 Court consistently hears that there's no hygiene,
21 there's not even a shower, there's not even a toilet,
22 I'm being told, until the COVID crisis took place.

23 So if you're telling me that it's better
24 for homeless to sleep underneath a freeway because they
25 might have to move 200 yards and make the choice going

1 into a better establishment that we hope to accomplish
2 quickly, or they might move into a neighborhood if
3 you're valuing choice is life versus moving and
4 inconveniencing somebody because they might voluntarily
5 move, this is the wrong discussion with the Court. Life
6 takes preference period.

7 And you spelled out to me for so long all
8 of the safety concerns, including me not being able to
9 get a simple piece of property under the 16th and Maple
10 Freeway because you told me it's so hazardous. So it
11 may not be up to your quality or your standards, but
12 it'll at least be 10 percent better in a parking lot and
13 it would be 100 percent better if you can get a motel
14 room. And I don't care how you get that, but I do care
15 that there is now some action and activity.

16 And all the Court was asking today was
17 what are the numbers, where are they located. I've
18 tried to ask where are the parking lots versus other
19 structures. The amount put out by the city in their
20 confidential report, which I won't disclose, is
21 absolutely ridiculous in terms of the cost. I could
22 almost prove to you that it's rather unusual if we get
23 Mike Moore in here because what's the cost of two police
24 officers? The same as the recreation center. What's
25 the cost of sanitation stations that this city should

1 have had years ago? What's the cost of security?
2 What's the cost of getting food? What's the cost of
3 having John Sherman have the capability of starting to
4 get a common people to talk to? What's the problem with
5 having medical workers check for hypothermia or
6 pneumonia? What's the probability we've been seeing if
7 these people passing through are fit for an upgrade, if
8 you will, into even better shelter, which we should have
9 created decades ago?

10 Now, the problem is from the advocate's
11 standpoint, you're stuck on housing. I agree with you,
12 but I haven't seen that in the city. I'm almost done.
13 I'm walking out in a minute. I agree with you. Where
14 is it? I don't see it. And I don't see any movement,
15 quite frankly and bluntly, for the last 20 years, but
16 for the COVID crisis, and then I need a magnificent
17 effort with 3,000 people maybe. If your solution is
18 3,000 people in this city, you're taking baby steps.

19 So this, we're going to do immediately,
20 the difficult, and the impossible is just going to take
21 us a little bit longer. Now, finally, I've rethought
22 this injunctive relief. It's probably going out after
23 this discussion regardless of the briefing schedule, and
24 then you can take it up to the Ninth Circuit. I will
25 work with you in terms of timing. I will work with you

1 in terms of humanity. I will work with you in every
2 way. And don't tell me that you haven't slept, okay?
3 How much sleep did you get last night?

4 MS. MARTINEZ: Two hours.

5 THE COURT: I got three, so we're out
6 working, so don't give me a pitiful party that you're
7 tired. Now, if we're going on with this discussion, the
8 first slide I really appreciated, Heidi. I want that on
9 the record. That told me the information I needed. I
10 don't need to know where you were because it's not
11 successful in my opinion, and I don't need to know where
12 you're going because that's a promise in the future;
13 it's meaningless to me.

14 Now, if you have something data driven
15 that's useful to the Court and you have some plan of
16 implementation, so be it. But, otherwise, I'm vacating
17 this briefing schedule. There is no reason now to brief
18 25 pages on whether I have the authority or not. I have
19 that sua sponte authority and, if not, the Ninth Circuit
20 will correct me, but we are all done with this inertia.
21 And apparently, my message wasn't clear. Am I clear
22 with you now? Bryan, am I clear with you?

23 MR. McLAIN: Yes.

24 THE COURT: I don't care if you agree
25 with me or not. Am I clear?

1 MR. McLAIN: Yup.

2 THE COURT: Okay. Am I clear?

3 MR. YOUNG: Yes.

4 THE COURT: Am I clear?

5 MR. MARCUS: Yes.

6 THE COURT: This briefing schedule is now
7 vacated. I will be acting depending upon what you come
8 up with today. And if you can work with me, I'm going
9 to work with you. But it's no intention and it's
10 ridiculous that I have a conversation about moving
11 people and herding them during the COVID crisis. I have
12 a specific record of saying that's exactly what the
13 Court wasn't going to do, hoping that you would come up
14 with something better than I propose.

15 But don't kid yourself, parking lots are
16 on the table. And, I mean, I want to know where the
17 locations are, and I want to know what's available
18 without excuses from LAHSA. How many, where, what's my
19 environmental hazard? That's what I expected to hear.
20 What's the timeline to get them up and running? Even if
21 I ordered it today, I'm not silly enough to tell you to
22 do that in a specific time period without your input,
23 but you're not giving me that input.

24 I want this done humanely. And, frankly,
25 on the record, you haven't been of any help to the

1 Court.

2 MR. YOUNG: If I may.

3 THE COURT: If you have something to say,
4 if you have something meaningful to say from this point
5 forward about helping me implement this, then you tell
6 me quickly what that is because I haven't had it today.

7 MR. YOUNG: If I may, Your Honor.

8 THE COURT: Please.

9 MR. YOUNG: And I, frankly, haven't been
10 able to discuss this with everybody. This is how, at
11 least on behalf of the county, how we conceptualize a
12 solution or a framework for a solution. I view it, at a
13 minimum, with respect to three phases. The first phase
14 needs to be outreach, outreach, outreach.

15 THE COURT: Agreed.

16 MR. YOUNG: And so --

17 THE COURT: By the way, didn't I say
18 notice, I wanted notice given? I think it's point
19 number six or seven.

20 MR. YOUNG: And with respect to outreach,
21 the county, the Sheriff's Department right now has host
22 teams deployed. These are multidisciplinary teams for
23 homeless services prevention because, as we saw with
24 LAPD, it's similar to the Sheriff's Office, there is
25 kind of a capability within law enforcement to at least

1 have outreach. I teamed with LAHSA. Right now the host
2 teams are supporting medical testing strategies at roads
3 and freeways near rivers.

4 THE COURT: That's not what I'm talking
5 about. Hold on. I'd like to hear the number. I'd like
6 to hear where they are.

7 MR. YOUNG: Right.

8 THE COURT: I'd like to hear what they're
9 doing today.

10 MR. YOUNG: Yeah. So with respect to
11 that, so two elements of that. First, with respect to
12 medical testing, right, because that's an important
13 element to this, there is a focused effort at roads and
14 freeways at cross rivers, at the Los Angeles River, San
15 Gabriel River, and Rio Hondo River four to five days a
16 week. The host teams separately also conduct outreach
17 under the 605, 5, 710, 60, 10 and 91.

18 THE COURT: Slow down. We're trying to
19 make notes. Would you mark this for me because then I'm
20 getting submitted information.

21 MR. YOUNG: And that's done four times a
22 week. And that's part of kind of the effort to at least
23 identify where those tier -- you know, it's triage
24 obviously, but the tier one folks that we're really
25 focused on right now, the highly vulnerable, some of the

1 data we saw with LAHSA and what we know with respect to
2 CDC guidance. My recommendation would be that we find a
3 way -- and I'm using this language loosely -- but to
4 redouble those efforts. We need to go into those
5 communities as early and often as we can.

6 THE COURT: Now let's just say the Court
7 was in complete agreement and I wasn't driving the
8 number or maybe -- but has that discussion taken place?
9 This is what I was hoping --

10 MR. YOUNG: Yeah.

11 THE COURT: -- that we would be on board
12 with with some plan, so that if I was wrong, my eight
13 bullet points, you may it more about me. You said, you
14 know, Judge, you forgot X, Y or Z, or you should do the
15 following.

16 MR. YOUNG: Right.

17 THE COURT: Now it's also being thrown up
18 to me that this should not be location based. This is
19 both. This is both location based and person based.
20 This is not one or the other that I'm hearing from any
21 of you. You can get the best of both worlds, because
22 these folks are not going to be living underneath these
23 freeways, and I have been generous and not saying city
24 streets so far. I'm about to change that opinion very
25 quickly on overpasses and underpasses.

1 So if had sent out teams hypothetically,
2 and we gave notice and we didn't act until the COVID
3 crisis was over, until we talked we Barbara so we're not
4 taking, you know, people who are self-distancing for
5 this period of time, we wouldn't be harming anybody.
6 We're not going to have a trail of tears.

7 Number two, they're not forced to go to
8 whatever we're building. We have to build something
9 that would attract people to go there; and if they
10 won't, then, yeah, they are going to move. But given
11 the value choice between the neighborhood and underneath
12 a freeway, my value is life and they're not going
13 underneath a freeway and down the road systems from this
14 point forward because I'm so disappointed, quite
15 frankly. But I didn't hear that today. I just heard
16 what we have done and what we're going to do. And until
17 COVID came along, I don't perceive -- and maybe
18 wrongfully -- I'll leave that.

19 Now what else are we going to do in a
20 positive way?

21 MR. YOUNG: So I think the representation
22 I would make to you, the gap that I personally am seeing
23 and I just don't know what the answer is yet, is there's
24 probably a mental health component here that needs to be
25 fixing.

1 THE COURT: Dr. Sheridan and I are on the
2 phone. By the way, you know what? If you hadn't
3 testified, I'll represent to you that he would say, just
4 make it better and do something for my mental health
5 teams. And that includes parking lots, by the way, like
6 the DA, okay?

7 MR. YOUNG: That's good.

8 THE COURT: Now I'm not a proponent of
9 that, but you're not giving me housing quick enough and
10 I'm not waiting five years. So, Dr. Sheridan would say
11 to you, I like this idea. My mental health people can
12 get in there because my teams go across the county,
13 quote/unquote, to every single tent or location; we just
14 can't do it. But if those people who voluntarily come
15 in, you know, we could direct our resources to it in a
16 finite sort of way.

17 MR. YOUNG: So I don't know what that
18 looks like, but there's --

19 THE COURT: I do. It looks like a
20 parking lot with security and lights immediately with
21 toilets and sanitation. You can bring your own tent;
22 that's one idea. The other is get the housing that
23 we've been talking about for 20 years that's non-
24 existent because that's the ultimate goal. I agree,
25 there should be a comprehensive plan. And these people

1 not only can't get stuck in these parking lots, those
2 will be the most willing, just like the recreational
3 centers, so we ought to be -- we ought to have a funnel
4 to get them out of there. For the first time, we can
5 identify the services that they need. We can't even do
6 that right now in this disburse, so I'm with you.

7 MR. YOUNG: And I think that flows into
8 what I would call the second prong of this or the second
9 frame or the second element of what I think would be a
10 workable framework, which is we need to know and we need
11 to identify and state definitely, at a minimum, what
12 housing is opening up in Q3 2020, Q4 2020 that we know
13 is going to come online.

14 THE COURT: Agreed. And remember this,
15 if we can get people into housing, that's the ultimate
16 goal.

17 MR. YOUNG: Right.

18 THE COURT: But it's not going to sit
19 status quo because it's been sitting forever, and you
20 have a volume of housing that you've got to deal with,
21 and I don't know how to do that except lives are going
22 to be a little bit better.

23 MR. YOUNG: And, you know, it's that.
24 And I think what you're latching on to, Your Honor, or
25 at least as I conceptualize it. In a lot of ways, it's

1 obviously a supply issue, but it's a placement issue
2 too.

3 THE COURT: Absolutely.

4 MR. YOUNG: And the data that we're
5 getting I think was not necessarily intended to say
6 what's better or worse, but to say that there are these
7 considerations with respect to placement, because we do
8 need to walk and -- we need to walk and chew gum at the
9 same time.

10 THE COURT: A hundred percent agree.
11 Because if they come involuntarily and are bipolar, at
12 least John can have his folks in one center or 50
13 centers, and at least he could say, you know, here's a
14 specific problem. I don't have to chase this, this
15 person wants help, and we can apply enough pressure to
16 the system to start hopefully get help. We're not even
17 doing that right now because everybody's afraid, you
18 know, to bring folks in. I'm not going to force them
19 in, by the way. I hope we get a good enough center that
20 it's a little bit better. And as far as bringing your
21 own tents, that's fine; bring your own possessions,
22 that's fine. Or get me housing immediately, which I
23 don't see.

24 But eventually, these folks are not going
25 to sit in these centers because I'm going to watch them

1 like a hawk, and they're not going to become cesspools
2 where they sit there in encampments. They're going to
3 start moving through in a comprehensive system, because
4 by getting them initially, it's going to force you to do
5 it.

6 MR. YOUNG: Yeah.

7 THE COURT: Now you're afraid of moving
8 them into neighborhoods. Some people are going to move
9 into neighborhoods. Okay? You value choices: a couple
10 of people move into neighborhoods versus sleeping
11 underneath the freeway or an egress? I don't know where
12 your value structure is on that.

13 MR. YOUNG: So with respect to this
14 thought, you know, the city is doing some pretty
15 remarkable things and that obviously factored in terms
16 of increasing immediately. We've already seen it with
17 the recreation centers. So we need to have a
18 conversation around what that looks like.

19 THE COURT: Agreed, but I'm not -- I'm
20 impressed with the Mayor -- I'll repeat that on the
21 record -- he's been calling for FEMA, and I'm especially
22 impressed with the Council. But until COVID came
23 along...

24 MR. YOUNG: So on this issue of what I
25 call placement, there are a couple of considerations;

1 things we know and things we don't know, and for the
2 things we don't know, we need to find out answers soon.
3 So on the things that we know, we obviously know that we
4 have CDC guidance and a population of highly vulnerable
5 folks with respect to COVID. Those placement decisions,
6 I think, are -- they're the easiest ones, at least from
7 my perspective, those are the easiest ones to make right
8 now; we know who they are. It's a question of outreach
9 and finding placements.

10 THE COURT: Sure.

11 MR. YOUNG: Where it gets a little more
12 complicated, I think is the population that falls kind
13 of outside of that highly vulnerable definition.

14 THE COURT: Let's have a conversation. I
15 want to interrupt you for a moment because you had no
16 choice, okay. Look, I might have even been open to a
17 pilot project, an area where we focus John's teams and
18 the medical teams, where they literally went out and
19 said, you know, you're camping here, we're not going to
20 move you, we're going to notify you or COVID's going to
21 be over, whatever.

22 And, by the way, I mean, at least we have
23 those folks identified as bipolar or some issue
24 humanely, and if they did come into a camp, we can keep
25 track of them. If they went into a neighborhood, maybe

1 we couldn't keep track of them. But the end result, at
2 least we'd know humanely that we could start treating
3 these people in a people-oriented manner. But it has to
4 also be once you put public safety and health on the
5 table for me, they're a week in this freeway, and
6 they're going to leave your city streets pretty soon,
7 unless we make some progress today.

8 So I'm with you on that, but you've given
9 me nothing. I don't see a plan today.

10 MR. YOUNG: So with specific plan with --
11 so, again, I think the COVID, that's an easier answer.
12 With respect to the universe outside of COVID,
13 yesterday, the county issued a report. They conducted a
14 needs assessment of 1800 people.

15 THE COURT: Okay.

16 MR. YOUNG: Persons experiencing
17 homelessness, led by the Department of Public Health,
18 Mental Health, Department of Health Services, the
19 Coroner, the CEO for Homelessness Initiative and LAHSA,
20 to identify mortality prevention strategies, looking at
21 what are the main causes of high mortality amongst the
22 homeless. And those -- and Heidi started going into
23 some of that, which was, you know, drug and alcohol
24 overdose, heart disease, traffic-related deaths and
25 violence-related deaths. So we've at least identified

1 kind of what are the main causalities.

2 And with respect to how we actually kind
3 of implement strategies that would help guide kind of
4 the placement decisions that we would need on the
5 freeways and, frankly, elsewhere.

6 THE COURT: And guide the Court, okay?

7 MR. YOUNG: And guide the Court, that's
8 right. So right now, the idea is -- or at least those
9 departments represented to the Board that within the
10 next 120 days that they're going to come back with kind
11 of actual steps and strategies. And I don't know if I'm
12 representing this entirely correctly, but the idea would
13 be to find out what needs to be done based on those main
14 causes and how do we save people who are suffering from
15 things like substance abuse, traffic-related deaths, so
16 on and so forth.

17 I think that needs to guide our placement
18 decisions, but we know with certainty certain
19 populations that we can affect today, right? And so,
20 again, outside of Project Room Key, what I would like to
21 do is find out what is that additional population. From
22 the county's perspective, it has been, and the thing
23 that we have been studying is over 65. Now --

24 THE COURT: Well, now, hold on. On one
25 hand, it's been argued to me privately, that's

1 discriminatory. On the other hand, the city made a
2 really difficult choice, and they tried to protect over
3 65 with secondary ailments because that was the highest
4 death rate, a very valid choice. Why am I concerned
5 about not taking a population that's subject to health
6 and safety issues and moving them by location? But
7 before I ever do that, if there's a selected area going
8 through as a trial and seeing if this works, and if it
9 doesn't work, I know it. But nobody's willing to try
10 it, even on a limited basis, and the timeframes are just
11 too great.

12 So if we really believe what I'm writing,
13 this is going to happen very quickly and you're going to
14 have to sort it out. So I'm not on board with this time
15 schedule because there's so many creative things that
16 you could have done today -- frankly, all of you -- that
17 the Court was listening to or willing to listen to about
18 not hearing that this is a location-based approach or
19 solely a people; it's both. And you both come out ahead
20 because these freeways are going to be cleared.

21 And second, you've got the opportunity
22 here to send out teams before hand to talk to these
23 folks to find out what their condition is. And then if
24 they don't come in, there's nothing we can do about
25 that; they're not being forced to come in, but it's our

1 duty to create something better. And if that is
2 sanitation, if that is a toilet, if that is security,
3 then we're going to create that and we're going to
4 create that in a parking lot. Now I'm fearful of that
5 because I'm fearful that then they turn into encampments
6 forever.

7 Well, not if you're involved with this
8 Court because I'm going to watch that like a hawk.
9 There has to be some kind of comprehensive plan. But
10 there you've got the willing, don't you? You've got the
11 very people who say I want to come in like the
12 recreational centers. Those people have been law
13 abiding. They're the very people that you know if you
14 put into a shelter right now at great expense would
15 probably give you your best return on your money, not
16 just picking up somebody like me off the street who
17 might be a gang banger, shooting dope, taking advantage
18 of the homeless.

19 So my concern is this: I think there's a
20 duality that can be accomplished here. I think safety
21 can be taken care of, and I think you can have a people-
22 oriented approach, and the question is how big. Does
23 8,000 frighten me? No. I just get to make the order.
24 You get to sort it out for a change. And all I'm
25 looking for is some cooperation, and I didn't get it.

1 I'll put that on the record. So apparently, I'm at
2 fault because I had miscommunicated with you. So where
3 do we go from here, because there's also something
4 positive when we recess.

5 MS. MARTINEZ: Brandon, go ahead and wrap
6 up.

7 MR. YOUNG: Yeah. I just want to make
8 two points. One is to finish, I think, the thought
9 where I was, and then just what I would call a third leg
10 of this. With respect to a process that is both
11 location-based and people-centric, I view it as going
12 back to the same place multiple times and focusing on
13 different populations.

14 THE COURT: Absolutely.

15 MR. YOUNG: So it goes down like this, as
16 opposed to pulling out all potential. When we're
17 talking about -- when we're talking about things such
18 as, like, the health report, that guides the placements
19 and -- I don't want to use the word priority, but at
20 least the strategy on how you winnow how that down.

21 THE COURT: Good.

22 MR. YOUNG: So that's what -- and it
23 needs to be driven --

24 THE COURT: Good.

25 MR. YOUNG: I think we all agree it needs

1 to be driven by data.

2 THE COURT: The average homeless person,
3 you talk to them the first time, in my humble belief,
4 they may not get the message. They need to be talked to
5 more than one time. We don't want to incarcerate people
6 and then have them get even a cite and release or an
7 arrest and just turn through the Court system and turn
8 them back on the street; that does absolutely no good.
9 It's not good for law enforcement, and it's certainly
10 not good for the homeless person. It's not good for the
11 community. It's not good for the courts; it's wasting
12 money.

13 So I had hoped today to hear that we were
14 going to have some kind of concerted effort in combining
15 both. I had hoped to hear that we had parking lots. I
16 had hoped to hear from the city and the county that we
17 had some cooperation, instead of squabbling about money,
18 about how quickly we could get this done, so I had some
19 idea. I'm not talking about one piece of property; I'm
20 talking about a hundred pieces of property or 50 pieces
21 of property. I didn't come up here, spending two hours
22 of sleepless nights to talk to you about a couple
23 thousand people.

24 And if this is your effort driven by
25 COVID, with literally no plan that I see yet for your

1 recreation centers, and I won't even get into your -- is
2 that victory? You're going to turn these people loose
3 back on the street? Then being told I'm unfair. Don't
4 you ever tell me that. Understood? You take it to the
5 Ninth Circuit. If I'm going to deal with you, it will
6 be an open and blunt conversation. Why don't I let you
7 finish off.

8 MR. YOUNG: Yeah. So the third element,
9 I think we're actually tracking --

10 THE COURT: I do too.

11 MR. YOUNG: -- is increasing the stuck
12 and identifying those properties reporting back where
13 they are. You know, the county has identified
14 properties; it sounds like the city has too. But
15 there's more than that though, Your Honor. There is
16 what are we going to do to get the federal government
17 involved? What are we going to do to get the city
18 government involved?

19 THE COURT: I'm not waiting for the
20 federal government. I'm wondering why LAHSA's not
21 involved. I'm wondering why both of you are using LAHSA
22 as a punching bag, quite frankly. I'm wondering why the
23 state's not involved because your relationship is too
24 cozy. We'll get the federal government involved; that's
25 why I'm out at the VA. Right? So if you really want

1 this cleared up, then stand up because I'm tired of
2 seeing this between the city and the county. The state
3 isn't even enjoined or joined through Caltrans.

4 We got LAHSA in the middle of it that has
5 no political power. They are feeding money through that
6 was an age-old compromise trying to do their best job.
7 That's really unfair to them. And every time I talk to
8 the city, say it was LAHSA; every time I talk to the
9 county, it's LAHSA; every time I talk to the city, it's
10 the county; and every time I talk to the county, it's
11 the city. You ought to hear the conversations going
12 back and forth.

13 So where's the state? Is LAHSA a part of
14 this lawsuit? I don't know. But Michele said the other
15 day, the players that we need are not at this table.
16 And so, you just deflected to get to the federal
17 government. You give me the power and I'll set up some
18 encampments for you on federal ground. Just call a
19 presser letting me do it. I'm happy to do that and take
20 the criticism. In fact, I love what the VA did because
21 even though it's Godawful they're opening a second
22 parking lot, because at least they got security in
23 there, food in there, counseling in there, I'm just
24 going to watch that like a hawk because we're going from
25 building 207 to 208 and 209.

1 And they better stay on track and build
2 those buildings at a much more rapid pace and now they
3 are. I mean, they've gotten a kickstart in the last
4 couple of weeks that you can't imagine. So I'm not
5 waiting for you to deflect to the federal government;
6 this is your problem.

7 MR. YOUNG: And it's not a question of
8 deflection. I think what we are lacking here is
9 definition. It's one thing for me to say we need
10 federal support, we need state support, but it's more
11 than that.

12 THE COURT: Then sue the state.

13 MR. YOUNG: Can I -- if I may, Your
14 Honor. You know, the county obviously is providing and
15 is working toward providing additional stock, and we can
16 represent kind of where we're going to go. And we're
17 obviously working very actively with intervenors and
18 plaintiffs to increase that. You know, the city is, you
19 know, equally involved in those efforts.

20 It's a question of when we're talking
21 about kind of, let's focus on federal support. The
22 county, for example, with respect to -- and we've talked
23 about this a little bit before, but it's part of the
24 overall strategy. What, for example, are we doing to
25 link up people who are homeless to federal services?

1 THE COURT: Sure.

2 MR. YOUNG: And what do those plans look
3 like and how do they improve? Even in the context of
4 this litigation, the county worked on strengthening its
5 veteran peer network, which takes, you know, homeless
6 people with experience who are veterans who are more
7 likely to actually be receptive to outreach. And, at
8 least in the Skid Row area, find those linkages to
9 transport people, move them to the VA, assist with
10 getting them --

11 MS. MARTINEZ: Well, whose job is that,
12 Brandon, to help the homeless population with
13 entitlements? Is that the city's job, is it LAHSA's
14 job, is it the county's job, right? Where do those
15 funds come from, right; can you tell me?

16 MR. YOUNG: It's all of our jobs. I
17 think it's a false scenario to suggest it's one or the
18 other.

19 THE COURT: And we're not even taking the
20 first timid steps that breaks this inertia, to go out
21 and make an effort to say, you know what, that didn't
22 work, let's back up and do it right again. We're not
23 even doing that.

24 MS. MARTINEZ: Carol has a comment,
25 Judge.

1 MS. SOBEL: I appreciate everything the
2 city and county is focusing on now. But I can't let
3 this conversation go on without saying you did decades
4 of neglect. All of you did decades of neglect. And the
5 reason why we have the biggest problem in the country is
6 because we have something like a 17 percent vacancy rate
7 on luxury units in areas and we have big buildings and
8 we have 2 percent for people that we pat ourselves on
9 the back, where we go up to, quote, "living wage." And
10 if you got paid that living wage and worked 35 hours a
11 week, you would be at the bottom of the affordable
12 housing scheme for L.A. County for one person.

13 So I really think that Brandon, while I
14 appreciate what people are doing, I think it's really
15 important to recognize that we are in the situation we
16 are in today because of deliberate choices that the
17 county made, that the city made. I can go through
18 conversations with current members of the Board of
19 Supervisors who would not take particular actions
20 because somebody else had their name on that project
21 (inaudible) used to be on. You know, I've been through
22 this with Ed Edelman. And I realize and I'm probably
23 older than everybody in this room except Judge Carter,
24 but... (laughter).

25 THE COURT: Let the record reflect

1 there's hilarious laughter.

2 MS. SOBEL: I just think that it's
3 important to recognize what those two -- what life was
4 in the past and what the current policies are that
5 continue to foster gentrification in what were stable
6 areas. You know, one of the examples I would use is all
7 the transit steps. We build density, we do transit
8 steps. What we have succeeded in doing is destroying
9 stable communities of color and making them white in
10 this -- and that's why those numbers are so high for
11 people of color; it's one of the contributing factors,
12 low wages and all of that.

13 So I think you need to -- you need to,
14 you know, you need to think about that because the
15 answer always come back to where are people going to go,
16 where are people who are mentally ill going to go, where
17 are people who are just economically disadvantaged going
18 to go, and I don't see an honest discussion of that in
19 either the city or the county. I see a goal towards
20 warehousing a large segment of the population that's
21 only going to increasingly become a larger segment.

22 So I hope that -- and when we come up
23 with solutions here, whether it's the city, the county.
24 And, you know, Heidi's relatively new to this position;
25 it's not Heidi's fault. But LAHSA has a long history of

1 having money and not -- never being corrupt. I want to
2 be really clear about that. There's never been an
3 allegation that LAHSA, you know, somebody stole the
4 money, somebody misspent the money, but just keeping
5 track of it. And I know Heidi brought on more financial
6 people; we need to figure out. We need to get people
7 stabilized immediately, and we need it in something that
8 is supportive, recognizing that most people are just
9 economically disadvantaged and more will be economically
10 disadvantaged.

11 And then I said this the other day and
12 I'll say it again. Cities in the county need to look at
13 their policies. When you pass a development project,
14 what is the impact of that development project on making
15 people homeless? It is not fair to say that you're
16 going to do a redevelopment on, like, an open grassy
17 area that's been historically a low income black
18 community, and then have people tell people you can come
19 back when the project is done. You can't come back when
20 the project is done if your only income is social
21 security and it's \$15,000 a year, whatever.

22 So there needs to be a more wholistic
23 approach by both agencies. That's more long term, but
24 it's also short term because if you read all of the
25 agendas, you see all the projects week by week that are

1 the development projects where people are being given a
2 density bonus for nothing, for nothing, you know. They
3 get an extra 20 -- an extra 200 units if they build one
4 unit of affordable housing. And that's a little bit of
5 an exaggeration, but not that much.

6 So I really do think that while I
7 appreciate what you're saying, I really think that it's
8 not rooted in historical reality.

9 THE COURT: So here's what I'm
10 suggesting. I expected today to get a number -- and,
11 Heidi, first of all, if there's been any discourtesy,
12 let me be the first to always apologize on the record.
13 Okay? That's my responsibility. You've done an
14 excellent job of presenting.

15 My disappointment is that I don't want to
16 hear what you're going to do. I want to know what
17 you've done. And I want to know the timelines in the
18 future of what you're going to do, and I want to know
19 milestones. I don't want to see a broad presentation
20 anymore about what did and didn't work. It hasn't
21 worked, and it didn't work for you, Heidi, until the
22 COVID crisis came along. And then the Mayor and the
23 Council finally had the leverage, quite frankly, you
24 know, to increase this to 3,000 spaces. But I am deeply
25 disturbed about 1,000 people coming out of our

1 recreational centers. And I know Murray's called for
2 that and Joe has called for that, et cetera. I will
3 keep that document in confidence, but let's just say I'm
4 not very confident and I don't see how the Council could
5 be very confident right now about what happens to these
6 people.

7 I specifically stayed away because I
8 represented to you from Operation Turn the Key. But
9 here I get a presentation by Heidi everything that you
10 asked me to keep off the table, so the Mayor and the
11 Board had leverage. Listen to me, Marcus and Cristina,
12 this is important to you. Everything you've asked me to
13 keep off the board, I did. And now I'm getting a
14 presentation that causes me to respond right back when
15 I'm trying to empower the Mayor so he can deal with the
16 cities. You're not talking to each other, and you
17 certainly didn't talk to Heidi because she walked right
18 into it.

19 So now my questions are obvious: how long
20 are these leases; what are you going to do with these
21 people? Are we going to take 2,000 more people who are
22 the most willing and able, plus 1,000 in our
23 recreational centers, and just put them back on the
24 street? And by the way, most of them, a lot of them are
25 65 and older because you made a value choice about that.

1 I have no problem with those choices. They're good
2 choices. And it wouldn't matter if they were; that
3 belongs to the city and the county.

4 So I'm tired of hearing that it has to be
5 a people-based approach solely, and I'm tiring of
6 hearing it has to be a location-based approach. This is
7 location based and it is going to sweep this city in
8 terms of these freeway underpasses. And I will ask
9 again, there is too cozy of a relationship between the
10 city and the state, in my opinion, and the state should
11 have been involved a long time ago with Caltrans, but I
12 leave that to you for the time being.

13 Number two, I may be able to enjoin the
14 necessary party. I'm just sitting and watching for a
15 moment, go research block. If you don't have the
16 courage to do it, maybe the Court does. Number two, do
17 I want to enjoin LAHSA? Well, you're both using LAHSA
18 because of your age-old disputes between the county and
19 the city and then everybody points at LAHSA that has no
20 political power at all. They've got the money and
21 they've got the wisdom and the ability out there, but
22 you haven't empowered them.

23 So the briefing schedule is now vacated.
24 You have until Monday at 3:00. Unless you have
25 something productive for the Court, I will issue this

1 TRO. I will do that sua sponte, and from now on, you
2 take it to the Circuit. Understood? Am I clear about
3 that?

4 MR. UMHOFFER: Your Honor, you are --

5 THE COURT: No. Am I clear about that?
6 Let me start here. Am I clear or am I miscommunicating
7 in some way? You have until Monday at 3:00; that means
8 you work this weekend. I'm here until 10:00 or 11:00
9 tonight with -- by the way, thank you. On the record, I
10 think all persons involved showed the Court that you
11 genuinely care when you're working until 10:00 at night.
12 Am I clear with you, Matt?

13 MR. UMHOFFER: Yes, sir.

14 MS. MYERS: Yes, Your Honor.

15 THE COURT: 3:00, that's Monday, that's
16 it. Clear? Now, Marcus, you, Cristina.

17 MR. MARCUS: Two points, Your Honor.
18 First, you made a comment earlier that the city doesn't
19 have a plan and is going to turn the rec center
20 occupants back to the street. That is not true. We
21 submitted that plan to you confidentially, but we do
22 have a plan. You may disagree with it, you may not.

23 THE COURT: My apologies. I may just --

24 MR. MARCUS: Oh, you do have the plan.

25 THE COURT: Yeah. I may have misspoken.

1 The city has a plan.

2 MR. MARCUS: And second, with respect to

3 --

4 THE COURT: But Operation Turn Key, you
5 walked right in on me today unexpectedly, so...

6 MR. MARCUS: Understood. And with --

7 THE COURT: There, I don't want to say
8 it, but maybe we don't have all that money. Let's leave
9 that alone.

10 MR. MARCUS: And with respect to any
11 order that the Court intends to issue.

12 THE COURT: I don't intend; I'm going to
13 do it.

14 MR. MARCUS: The city requests the
15 opportunity to brief that order before it is issued.

16 THE COURT: You have 24 hours. We're
17 done now. Because now, this order is going to issue,
18 you're really writing for the Ninth Circuit. So if
19 you're opposed to that, you get that brief in, but I
20 want it by Saturday. I'm working 24 hours a day because
21 this order will issue and then you can take it up to the
22 Ninth Circuit, because what your brief is not going to
23 do is dissuade me from doing this.

24 I was hoping that that brief would show
25 the Court how to do it better or more humanely or time

1 constraints. All right. Okay, anything else. Okay.
2 Briefing by 5:00 on Saturday. We're working all weekend
3 and so are you. Order will issue at 3:00 on Monday.
4 Anything further? If you need another meeting with me,
5 you can come together as a group and you have a timeline
6 humanely to implement this, I'm listening. Nobody
7 should get hurt by this; this shouldn't be forced. You
8 should be creating something better. If not, if you
9 leave it to me, then... that's your choice. Okay? Did
10 you have anything further?

11 COURT REPORTER: The time is 11:28 a.m.
12 You're off the record.

13 (Whereupon, at 11:28 AM, the proceeding
14 was concluded.)
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CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



AUSTIN CHE

Notary Public in and for the
STATE OF CALIFORNIA

CERTIFICATE OF TRANSCRIBER

I, SONYA LEDANSKI HYDE, do hereby certify that
this transcript was prepared from the digital audio
recording of the foregoing proceeding, that said
transcript is a true and accurate record of the
proceedings to the best of my knowledge, skills, and
ability; that I am neither counsel for, related to, nor
employed by any of the parties to the action in which
this was taken; and, further, that I am not a relative
or employee of any counsel or attorney employed by the
parties hereto, nor financially or otherwise interested
in the outcome of this action.

A handwritten signature in cursive script, reading "Sonya M. Ledanski Hyde", is written over a horizontal line.

SONYA LEDANSKI HYDE

[& - apologize]

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